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15 MARK LESLIE

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 SECURITIES AND EXCHANGE
20 COMMISSION,

21 Plaintiff,

22 vs.

23 MARK LESLIE, KENNETH E.
24 LONCHAR, PAUL A. SALLABERRY,
25 MICHAEL M. CULLY AND DOUGLAS
26 S. NEWTON,

27 Defendants.

Case No. 5:07-cv-03444-JF

**[PROPOSED] ORDER GRANTING
DEFENDANT MARK LESLIE'S MOTION
TO DISMISS COMPLAINT OR, IN THE
ALTERNATIVE, TO STRIKE
PRAYER FOR PENALTIES**

Date: January 18, 2008
Time: 9:00 a.m.
Dept.: Courtroom 3, 5th Floor
Judge: Honorable Jeremy D. Fogel

Date Complaint Filed: July 2, 2007
Date Set For Trial: None

28 The matter came on regularly for hearing on January 18, 2008 before this Court, the
Honorable Jeremy D. Fogel presiding. Having considered the papers submitted by the parties and
the arguments presented by counsel, this Court finds that Plaintiffs have failed to state a cause of
action against Defendant Mark Leslie. This Court further finds that granting Plaintiffs leave to
amend would be futile given the statute of limitations bar, which Plaintiff cannot plead around.

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1 Thus, this Court grants Defendant Leslie's Motion to Dismiss Plaintiff's Complaint *with*
2 *prejudice* as to all causes of action against the Defendant Leslie.

3 IT IS SO ORDERED.

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5 DATED: _____
6 HONORABLE JEREMY FOGEL